

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

TE – Estt. - APTES –Sri N.Obula Reddy, Head of Civil Engineering Section (Rtd.), S.V.Government Polytechnic, Tirupathi - Implementation of the orders of the Hon'ble APAT, Dated: 20-10-2009 in O.A.No.2678/2006 – Orders – Issued.

HIGHER EDUCATION (TE.I) DEPARTMENT

G.O.Rt.No. 11 .

Dated:10-01-2012.
Read the following:-

- 1.G.O.Ms.No.7, H.E (TE.I-2) Deptt., Dated: 17-01-2005.
- 2.Govt.Memo.No.6383/TE.I/A2/2000-2, H.E Deptt., Dated: 23-04-2007.
- 3.Orders of the Hon'ble APAT,Dated:20-10-2009 in O.A.No.2678 of 2006 filed by Sri N.Obula Reddy, HCES (Retired), S.V.Government Polytechnic, Tirupathi.
- 4.W.P.No.5341 of 2010 in the Hon'ble High Court in WPMP.No.6863 of 2010 order dated: 07-09-10.
- 5.From the CTE, Hyd., Lr.No.C1/7749/2006, Dated: 27-04-2011 and 02-11-2011.

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In the G.O. first read above, orders have issued to impose 5% cut in pension for a period of 5 years under rule 9(2) of Andhra Pradesh Revised Pension Rules, 1980 for the charge established against Sri N.Obula Reddy, Head of Civil Engineering Section (Retd), S.V.Government Polytechnic, Tirupathi for his willful disobedience of the orders of Government and refusal to receive official communications.

2. In the Memo. 2nd read above, the Government have regularized the period from 12-10-2000 to 29-05-2001 as EOL without pay in respect of Sri N.Obula Reddy, Head of Civil Engineering Section (Retd), S.V.Government Polytechnic, Tirupathi. Further all his pensionary benefits and other benefits namely Group Insurance, Family Benefit Fund etc. have long been settled.

3. In the reference third read above, the Hon'ble A.P.A.T., Hyderabad in O.A.No.2678/2006, Dated: 20-10-2009 filed by Sri N.Obula Reddy, HCES (Retired), S.V.Government Polytechnic, Tirupathi have passed the following order:-

“....set aside the impugned G.O.Ms.No.7, H.E Dated: 17-01-2005 and accordingly set aside the same. Since, there are no further proceedings pending against the applicant, he is entitled for treatment of the gap period from 2-10-2000 to 31-05-2001 as on duty. The applicant is entitled for consequential benefit of seniority increments and revised pension without monetary benefit for the absence period. The O.A. is accordingly allowed.”

4. Aggrieved by the above orders, the Government have filed W.P. in the A.P.High Court against the orders of the APAT, Dated: 20-10-2009 in O.A.No.2678/2006. In the W.P.No.5341 of 2010 and in WPMP No.6863 of 2010, dated: 07-09-2010, the Hon'ble High Court made the following order that:-

“Having regard to the nature of the relief as acceded to by the Tribunal, for the grant of pension and the penalty of 5% cut in pension for a period of 5 years imposed on the respondent, no prejudice would be caused even if the respondent is paid such an amount. In the event of main Writ Petition is allowed, it is always open for the authorities to recover the same. Therefore, no interim suspension can be granted as sought for. Accordingly, this WPMP is dismissed.”

(p.t.o)

5. In the circumstances reported by the Commissioner of Technical Education, A.P., Hyderabad in the reference fifth read above, Government after careful examination, hereby have decided to implement the orders of the Hon'ble APAT Dated: 20-10-2009 in O.A.No.2678 of 2006 filed by Sri N.Obula Reddy, HCES (Retired), S.V.Government Polytechnic, Tirupathi and accordingly set aside the G.O.Ms.No.7, H.E (TE.I-2) Department, Dt.17-01-2005, treating the gap period from 12-10-2000 to 31-05-2001 as on duty. The applicant Sri N..Obula Reddy, Head of Civil Engineering Section (Rtd.) is entitled for consequential benefit of seniority increments and revised pension without monetary benefit for the absence period. These orders are issued subject to final outcome of W.P. No.5341 of 2010 pending in the Hon'ble A.P.High Court, Hyderabad.

6. The Commissioner of Technical Education, A.P.Hyderabad shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.G.GOPAL
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner of Technical Education, A.P., Hyderabad.
The individual concerned through CTE, A.P., Hyderabad.
The Accountant General, A.P., Hyderabad.
Copy to:
The Director of Treasuries & Accounts, A.P., Hyderabad.
The G.P. for Education (S), APAT, Hyderabad.
The G.P. for Education (S), A.P.High Court, Hyderabad.
The P.S to Dy.Chief Minister.
The P.S to Prl. Secretary, H.E Department.
SF/Sc

//Forwarded: :By order//

SECTION OFFICER